

**AGENDA
BOARD OF SELECTMEN
May 13, 2009
7:00 p.m.
Town Building**

Orders of Taking for six public ways

Terms of Springfest Organizing Committee and appointment

Correspondence

Board reorganization for the coming year

Adjournment

Posted 5/8/09

Correspondence:

Comcast balance sheet for FY ending 12/31/08, rec'd 5/1

Resident letter on South Acton commuter parking and Assabet River water, rec'd 5/5

Building Permits report for April, rec'd 5/5

MA Conservation letter on Conservation Comm member's training achievement, rec'd 5/5

MPO Transportation Plan amendment proposal (incl Rail Trail funds), rec'd 5/5

CC of Assabet Water Co. response to DPU questions, dated 5/2, rec'd 5/6

Verizon Q1 cable remittance to Stow, rec'd 5/6

MA House budget update from Rep Hogan, rec'd 5/8



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

FOR IMMEDIATE RELEASE:

April 29, 2009

FOR INFORMATION CONTACT:

Rick Chaff (617) 489-3930

LOCAL CONSERVATION COMMISSIONER COMPLETES CERTIFICATE TRAINING PROGRAM

The Massachusetts Association of Conservation Commissions (MACC) proudly announced that Dennis Walsh, a member of the Stow Conservation Commission, successfully completed MACC's *Fundamentals for Conservation Commissioners* certificate training course.

The goal of the eight-unit *Fundamentals* course is to provide Conservation Commissioners with the basic knowledge and practical tools essential to carrying out their many responsibilities, from administering the Wetlands Protection Act to open space planning and protection. Such training promotes sound, consistent decision-making and builds respect for Commission determinations. MACC's training program is the only comprehensive program offered to Conservation Commissioners.

MACC congratulated Dennis for undertaking this training, as well as acknowledging Stow's Board of Selectmen for appointing a person who recognizes the value of training in Conservation Commission work.


MACC is a non-profit environmental organization founded in 1961 to support, educate and advocate on behalf of Conservation Commissions. In addition, MACC works for strong, workable, science-based laws and regulations regarding wetlands, other water resources, open space, and biological resources. MACC offers educational programs throughout the state. Call MACC at (617) 489-3930 for more information.

ROAD ACCEPTANCE PROCEDURE

1. Petition for acceptance must be submitted to the Selectmen no later than January 15th (in accordance with General Bylaw Article 5, Section 2), signed by abutters to the road to be accepted, or by at least ten registered voters. Also required at the same time are the following:
 - a. List of the owners of property abutting the way, as prepared by the Assessors' office
 - b. The "as-built" plan of the roadway
 - c. Engineer's certificate
 - d. ~~The names and addresses of the mortgage holders for each property owner (both first and second mortgage, if applicable)~~
 - e. Registry of Deeds mortgage recording information, book and page (not to be confused with deed or plan recording)
2. Prepare article for printing in the annual town meeting warrant.
3. Selectmen's Notice of Proposed Lay Out
 - a. The Selectmen schedule a public hearing to be held at least thirty days prior to the commencement of town meeting. The notice of public hearing is published in a local newspaper (*Maynard Beacon*) at least seven (7) days (preferably fourteen days) prior to the date of the hearing. (see example "A")
 - b. Notice of the public hearing to consider the intention to lay out is mailed to the owners of property abutting the way at least seven (7) days in advance of the hearing. (Ten to fourteen days' notice is preferable.) Notice of hearing is also given the Planning Board and Supt. of Streets who are expected to submit their recommendations. Notice shall also be posted in a public place. (MGL Ch. 82, s. 22)
4. Vote to Lay Out
 - a. Following the public hearing, either upon its closing or at a subsequent meeting, the Selectmen vote to lay out the road.
 - b. A Report and Order of Laying Out of Way is prepared, signed by the Selectmen and filed with the Town Clerk at least seven (7) days before the town meeting vote on the warrant article for acceptance. (see example "B") (MGL Ch. 82. s. 23)

5. Vote of Town Meeting to accept

6. Order of Taking

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- a. Within 120 days after termination of the annual town meeting, an Order of Taking must be adopted by the Selectmen. (see example "C")
 - b. The Order of Taking is filed with the Town Clerk and a copy forwarded to Town Counsel for recording at the Registry of Deeds within thirty (30) days of the vote to adopt the Order of Taking. The Order of Taking for Registry recording must be accompanied by the following:
 1. A copy of the Report and Order of Laying Out of Way as received and filed by the Town Clerk.
 2. A list of the abutting property owners as compiled by the Assessors' office.
 3. A list of the property owners with the name(s) and address(es) of mortgage holder(s) and Registry of Deeds mortgage recording information
 4. A certified copy of the town meeting vote to accept such way (from Town Clerk).
 - c. Following recording of the Order of Taking at the Registry of Deeds, copies of the Order are to be forwarded to the owners of property abutting the way and to the mortgage holders with an accompanying letter (see example "D").

Note: In addition to the foregoing, also refer to memorandum of Town Counsel Jacob C. Diemert, Esq. dated March 19, 1974 (as revised 4/83) Re: Layouts, Takings and Betterments.

Created 9/16/97 by
Catherine Desmond

5/8/09

Here are motions to appoint Ellen to SpringFest as a full, not "temporary," member and to set expiration dates of terms following your 4/14 vote to change from "indefinite" terms to 2-year terms:

1) Move to appoint Ellen Sturgis to the SpringFest Organizing Committee.

2) Move to set the terms of appointment for the SpringFest Organizing Committee, as follows:

Patty Heron	to a term expiring on June 30, 2009
Pennie Cushing	to a term expiring on June 30, 2010 — <i>per rpt letter</i>
Ellen Sturgis	to a term expiring on June 30, 2010
Karen Kelleher	to a term expiring on June 30, 2011
Vacant position	to a term expiring on June 30, 2011

Stow Selectmen's Office

From: afierce@aol.com
Sent: Tuesday, May 05, 2009 10:18 AM
To: selectmen@stow-ma.gov
Subject: Acton Station Parking

TO: Board of Selectmen

Congratulations on planning and running a very efficient Town Meeting last evening.

I have a couple of matters to bring to your attention but didn't want to bother you with until Town Meeting had concluded.

1. **South Acton Commuter Rail Parking.** On Wednesday evening, April 29, I attended an informational meeting at Acton Town Hall at which the MBTA presented its plans for upgrading the Fitchburg commuter rail line, including the installation of a second track past Acton and the construction of a fully ADA-compliant platform at the South Acton station. (The platform redesign was awful, but that's another story.) During the course of the meeting, it came out that the MBTA is offering to build a deck over the parking lot at the South Acton train station, creating a 2nd level of parking there. Apparently, the MBTA is obligated by a court order in a lawsuit brought by the Conservation Law Foundation to build 1000 additional commuter rail parking spaces throughout its system as part of the "mitigation" efforts to reduce traffic into Boston (and the air pollution that causes) stemming from the completion of the Big Dig. Thus, the MBTA would build this deck at the South Acton station at no cost to Acton . . . if Acton agrees to allow it. (Acton owns that lot.) That's the problem. Because the Acton neighborhood around the station doesn't want the additional traffic that the 2nd level of parking would bring, the Acton Selectmen are reluctant to give the MBTA the approval the MBTA needs to proceed. The Chair of the Selectmen said that they are currently leaning towards leaving this decision up to a Town Meeting. There are a couple of problems with that approach, not the least of which is that Acton just had its Town Meeting and the next one might not be before the spring of 2010, when the MBTA may have already received commitments from other station-stops to build the 1000 parking spaces it is obligated to build.

As you know, while there are many commuter rail riders who live in Stow, there are currently a woefully inadequate number of parking spaces at the South Acton station, especially for anyone who does not live in Acton. After the 7:18 train each morning, no spaces remain. Many of us end up parking blocks away and walking 10 minutes or more to the station.

My strong request to the Stow Selectmen is that you send a letter to the Acton Selectmen requesting that they vote now to allow the MBTA to go ahead and build a 2nd level at the Acton station so that more out-of-towners can use that station. (Let me know if you would like me to send you a draft letter.)

2. **Marlborough WWTP flow-increase permit.** The permit still has not been issued. I apologize for jumping the gun on this a month ago, but the information I had received through OAR at that time suggested that the permit was about to issue, allowing the flow increase. Now, OAR's current reading of the situation is that EPA in Washington may have temporarily held up the permit issuance. This may be happening because the U.S. Fish and Wildlife Service had filed

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objections to the flow increase over its concern with the impact to the Assabet River National Wildlife Refuge. Apparently, when another federal agency objects, EPA Region 1 has to allow EPA Headquarters in Washington to review the decision. So, it may take a little longer, and we are now a little less certain that the permit will issue allowing the flow increase, as we expected. But Stow needs to be ready to act quickly when the decision is finally made.

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